

REMARKS

In the Office Action dated December 30, 2004, the Examiner objected to the Drawings of the application. The Examiner indicated that Box 60 in Figures 1 and 2 should be labeled as "fluorometer"; that Box 64 in Fig. 1 should be labeled as "display"; that reference Box 66 in Fig. 1 should be labeled as "recording device/means"; that the abscissa in Fig. 3 should be labeled as "Time"; and that the ordinate in Fig. 3 should be labeled as "Intensity/Density of monitoring Fluid". Finally, the Examiner indicated that reference numeral 50 does not appear in Fig. 2 as indicated on page 6, paragraph [15], line 13 of the specification. (See clean copy of the substitute specification).

The Examiner objected to certain informalities in the disclosure of the Specification. The Examiner also objected to certain informalities in claims 1-20. In addition, the Examiner rejected claims 6, 7, and 11 under 35 U.S.C. 102(b) as anticipated by Dobson (U.S. Patent No. 4,762,167); rejected claims 1 and 3-10 under 35 U.S.C. 102(b) as anticipated by Ondrus et al. ("Ondrus") (U.S. Patent No. 5,831,151); and rejected claims 15 and 20 under 35 U.S.C. 012(b) as anticipated by Wang et al. ("Wang") (U.S. Patent No. 5,274,335).

By this Reply, and according to the Examiner's suggestion, Applicants have amended Fig. 1 by labeling Box 60 as "fluorometer", labeling Box 64 as "display" and labeling Box 66 as "recording device/means". Applicants have also amended Fig. 2 by labeling Box 60 as "fluorometer"; and amended Fig. 3 by labeling the abscissa as "Time" and the ordinate as "Intensity/Density of monitoring Fluid". In addition,

applicants have amended Fig. 2 to include reference numeral 50 as disclosed on page 6, paragraph [15], line 13 of the specification.

By this Reply and according to the Examiner's suggestion, Applicants have addressed the informalities in the disclosure of the Specification in the "marked" copy of the substitute specification attached to this Reply. Further, in accordance with the Examiner's suggestions, Applicants have amended claims 1-20 to address the informalities pointed out by the Examiner.

Applicants respectfully traverse the rejection of claims 6, 7, and 11 under 35 U.S.C. 102(b) as anticipated by Dobson because Dobson fails to disclose each and every claim element. For example, independent claim 6 recites a combination of elements including, *inter alia*, "a second fluid having a preestablished distinguishing parameter (DP2) being different from said . . . and being stored in a second fluid storage reservoir, said first fluid storage reservoir being separated from said second fluid storage reservoir . . .". Claim 6 also recites "a monitoring fluid being stored in one of said first fluid storage reservoir . . . wherein at least one of second fluid preestablished distinguishing parameter (DP2), first fluid preestablished distinguishing parameter (DP1), and monitoring fluid preestablished distinguishing parameter (DP3) is a light emission parameter . . .". Dobson fails to disclose at least these claim elements.

In the Office Action, the Examiner maintained that Dobson discloses "an oil sample/second fluid having a distinguishing parameter different than the parameter of the first fluid and stored in a second fluid storage reservoir which is separated from the first fluid storage reservoir . . ." (See Office Action, page 7, paragraph 7). However,

Dobson does not disclose any monitoring system which includes all the recited features, such as “a second fluid having a preestablished distinguishing parameter (DP2) being different from said preestablished distinguishing parameter (DP1) of said first fluid and being stored in a second fluid storage reservoir, said first fluid storage reservoir being separated from said second fluid storage reservoir”. Assuming, *arguendo*, that a test tube holding a sample of the coolant as disclosed in Dobson (See Dobson, Col. 4, lines 5-6) is a first reservoir, Dobson does not disclose any monitoring system having among other things, a second fluid stored in a second fluid storage reservoir wherein the second fluid storage reservoir is separated from the first fluid storage reservoir.

In addition, Dobson does not disclose that the preestablished distinguishing parameter of at least one of the first fluid (DP1), second fluid (DP2), and monitoring fluid (DP3) is a light emission parameter. Because Dobson fails to disclose every claim element, the section 102(b) rejection of independent claim 6 should be withdrawn. Dependent claims 7 and 11 ultimately depend on claim 6 and, therefore are allowable for at least the reasons discussed above and in view of their additional recitation of novelty.

Applicants respectfully traverse the rejection of claims 1 and 3-10 under 35 U.S.C. 102(b) as anticipated by Ondrus because Ondrus fails to disclose each and every claim element. For example, independent claim 1 recites a combination of elements including, *inter alia*, “a monitoring fluid having a preestablished distinguishing parameter (DP3) . . . wherein at least one of commodity preestablished distinguishing parameter (DP2), first fluid preestablished distinguishing parameter (DP1), and

monitoring fluid preestablished distinguishing parameter (DP3) is a light emission parameter . . .”. Ondrus fails to disclose at least these claim elements.

In the Office Action, the Examiner maintained that Ondrus discloses a system and a method for monitoring the proportional volume of constituents wherein commodity (A), first fluid (B) and a monitoring/tagging fluid, each have a preestablished distinguishing parameter. (See Office Action, page 8, paragraph 8). However Ondrus does not disclose that at least one of the commodity preestablished distinguishing parameter, first fluid preestablished distinguishing parameter, and monitoring fluid preestablished distinguishing parameter is a light emission parameter.

Similarly, independent claim 6 recites a combination of elements including, *inter alia*, “wherein at least one of second fluid preestablished distinguishing parameter (DP2), first fluid preestablished distinguishing parameter (DP1), and monitoring fluid preestablished distinguishing parameter (DP3) is a light emission parameter”. As noted above, Ondrus does not disclose that at least one of second fluid preestablished distinguishing parameter (DP2), first fluid preestablished distinguishing parameter (DP1), and monitoring fluid preestablished distinguishing parameter (DP3) is a light emission parameter. Because Ondrus fails to disclose each and every every claim element, the rejection of independent claims 1 and 6 should be withdrawn. Dependent claims 3-5 and 7-10 ultimately depend on one of claims 1 and 6 and, therefore, are allowable for at least the reasons discussed above and in view of their additional recitations of novelty.

Applicants respectfully traverse the rejection of claims 15 and 20 under 35 U.S.C. 102(b) as anticipated by Wang because Wang fails to disclose each and every claim element. For example, independent claim 15 recites a combination of steps including, *inter alia*, "having a first fluid storage reservoir . . . wherein at least one of commodity predetermined distinguishing parameter (DP2) and first fluid predetermined distinguishing parameter (DP1) is a light emission parameter". Wang fails to disclose at least these claim elements.

In the Office Action, the Examiner maintained that Wang discloses a method of qualitatively determining oil type and condition wherein the first fluid/antifreeze/glycol has a preestablished distinguishing parameter/reactivity different than the parameter/reactivity of the commodity oil (204). (See Office Action, page 10, paragraph 9). However, Wang fails to disclose that at least one of commodity predetermined distinguishing parameter (DP2) and first fluid predetermined distinguishing parameter (DP1) is a light emission parameter. Because Wang fails to disclose each and every claim element, the rejection of independent claim 15 should be withdrawn. Dependent claim 20 ultimately depends on claim 15 and, therefore, is allowable for at least the reasons cited above and in view of its additional recitations of novelty.


In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response, and charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 2, 2005

By: 
David W. Hill
Reg. No. 28,220

Attachments: Three drawing sheets including amended Figures 1, 2, and 3 and two copies of a substitute specification including a clean copy and a marked copy.